



2015 Town Election Guidebook

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INTRODUCTION

Cities and “large” towns (towns with populations of 3,500 or more) are treated similarly under state law with respect to the conduct of elections. In some instances, there are unique state laws that apply to elections in “small” towns (towns with populations of less than 3,500) that are outside of Marion County. This Guidebook is primarily designed to address election procedures that apply to small towns outside of Marion County. Procedures used in cities in large towns may be mentioned to compare or contrast with those procedures used in small towns.

MUNICIPAL PRIMARY ELECTIONS

A primary is an election where the voters who are affiliated with the two major political parties (Democratic Party and Republican Party) choose the nominees of their parties for election the following November. There is no primary conducted to nominate independent candidates or candidates of other political parties. In addition, no write-in candidates are permitted on a primary ballot.

In Indiana, **cities, large towns (towns with a population of 3,500 or more) and all towns of any size population located wholly or partially within Marion County** conduct a primary if there is a contest within that political party for nomination to a city or town office. (IC 3-10-6-4)

In a small **town with a population of less than 3,500 that is not located within Marion County**, the town council may adopt an ordinance under state law (IC 3-8-5-2) to provide for the nomination of Democratic and Republican Party candidates in a primary election. An ordinance to provide for the nomination of Democratic and Republican Party candidates in a primary election must be adopted no later than **January 1, 2015**. The town clerk-treasurer must file a copy of the ordinance with the office of the circuit court clerk of the county that contains the greatest percentage of the town's population.

If the town council in a small town adopts a municipal primary ordinance, then the **county election board conducts the primary election for the town** according to the statutes governing primary elections for cities and large towns and candidates will be required to use the forms and file by the deadline applicable to primary elections for cities and large towns. For example, a candidate running in 2015 primary election must file a DECLARATION OF CANDIDACY FOR MUNICIPAL PRIMARY NOMINATION IN 2015 (**STATE FORM CAN-42**) with a STATEMENT OF ECONOMIC INTERESTS FOR LOCAL AND SCHOOL BOARD OFFICES (**STATE FORM CAN-12**) no sooner than January 7, 2015 and no later than noon **February 6, 2015**. (IC 3-8-2-4) ***Detailed procedures describing how to file as a candidate in a primary and how to conduct a primary election in a city or large town may be found in the 2015 Candidate Guide and the 2015 Election Administrator's Guidebook.*** These publications are available online at www.in.gov/sos/elections/2397.htm.

If a small town adopts an ordinance providing for a municipal primary, the town may not change the method of nominating candidates for town office more than one time in any twelve year period. (IC 3-8-5-2(e)) Therefore, if the town adopts a municipal primary ordinance on December 31, 2014, this ordinance must remain in effect until December 31, 2026.

Pursuant to state laws applicable to municipal primaries, if no candidate has filed a declaration to be nominated in the primary for any office for a party then that party may not hold a primary election. If there is not a contest within a party for any nomination, but at least one candidate has filed a declaration to be nominated in the primary for any office for a party, then that party may hold a primary for that nomination if the county chairman of that party files a notice with the county election board not later than noon seven (7) days after the deadline for filing a declaration of candidacy for the primary. If the only

contest within a party is a contest for city council or town council seat and only the voters of the council district may vote for the candidate then the county election board may, by unanimous vote of the board's entire membership, adopt a resolution providing that a primary election for the party will be held only in the legislative body election districts for which there is a contest and the unopposed candidates for the party's nomination to an office to be voted on by all the voters of the city or town may not be placed on the ballot. Unopposed candidates who are not placed on the primary election ballot will automatically be placed on the municipal election ballot. (IC 3-10-6-4)

If the county election board will conduct a primary for a small town that has adopted an ordinance to provide for the nomination of Democratic and Republican Party candidates in a primary election, the county will establish the amount the town will reimburse the county for conducting the primary by charging certain election expenses directly attributable to the town's primary to the town and apportioning other expenses among all other municipalities in the county conducting a primary. (IC 3-5-3-7, IC 3-5-3-8, and IC 3-5-3-9). (see Appendix- APPORTIONMENT OF MUNICIPAL PRIMARY COSTS, **STATE FORM CEB-34**) This apportionment of costs does not apply to a town which has entered into an agreement with the county to establish a fixed amount the town will reimburse the county for conducting the primary election. (IC 3-5-3-8(b))

In small towns outside of Marion County that have not adopted an ordinance providing for the nomination of Democratic and Republican Party candidates in a primary election, Democratic and Republican Party candidates will be nominated in a town convention. Libertarian Party candidates will be nominated in a town convention whether or not the town adopts an ordinance to provide for the nomination of Democratic and Republican Party candidates in a primary election, Information about the forms and applicable deadlines to file as a town convention candidate, and how to conduct a town convention, will be discussed in more detail later in this Guidebook.

A candidate for a small town office may also file as a Libertarian Party candidate, an independent or other minor party candidate, or as a write-in candidate. The forms and applicable deadlines for these types of candidates will be discussed in more detail later in this Guidebook.

TERMS OF OFFICE AND TOWN COUNCIL DISTRICTS

As a general rule, town council members and town clerk-treasurers serve four (4) year terms that begin on January 1 following their election. Special provisions apply in newly incorporated towns and towns that adopt an ordinance to change the schedule for electing town officials. (See "Staggered Terms and Changing the Year of Elections" herein)

In addition, the "holdover" provision of the Constitution of the State of Indiana provides that a person holds office until a successor has been elected and qualified. In other words, if there are no candidates for a given office (or not enough candidates for all the town council seats) then the current office holder serves another four year term. (Article 15, Section 3, IC 3-13-9-5.5 and IC 3-13-9-5.6) As a result, a small town may not have an election conducted for many years if no candidate chooses to file for office during the filing period set by state law.

If fewer at-large town council members are elected than there are at-large seats to be filled, the town council determines which incumbent at-large members will holdover for another four year term. This decision must be made by the town council no later than December 31 following the election. (IC 3-13-9-5.6)

Town Council Districts

Often informally called "wards", Indiana law provides several options for dividing a town into council districts (IC 36-5-2-5) as follows:

Option 1 – Towns with districts in which a candidate must reside to run as a candidate for the district and in which voters must reside to vote for the district candidate.

Option 2 – Towns that have no town council districts, including towns that have abolished town council districts (towns with less than 3,500 in population may abolish town council districts). A candidate in these towns runs "at-large" and may live anywhere in town to run for town council and all the voters of the town vote for all candidates for town council.

Option 3 - Towns with districts in which candidates must reside to run as a candidate for the district but all the voters in the town may vote for candidates in all district races.

Option 4 – Towns with some districts seats (as described in Option 1 or Option 3) and some at-large seats where candidates may live anywhere in town to run for the at-large seat and all the voters of the town may vote for all of the at-large seats.

Upon incorporation of the town by the county commissioners, a town may be divided by the commissioners into at least three (3), but not more than seven (7), districts. For newly incorporated towns with a population of less than 3,500 the commissioners can provide for no districts so that all town council members may live anywhere in town to run for at-large seats and all the voters of the town may vote for all the at-large seats. (IC 36-5-1-10.1)

After the original town council districts (if any) are created, the town council has the authority to adopt an ordinance to change town council district boundaries. A town with town council election districts is required to adopt an ordinance, or recertify existing districts, the second year following the federal census. **If a town currently has council districts, the town will next be required to establish new council districts, or recertify that existing districts comply with state law, in 2022 pursuant to standards and procedures in state law.** (IC 36-5-2-4.1) A town with less than 3,500 in population with existing council districts may abolish its council districts and have all of its members elected at large. (IC

36-5-2-4.1(h)) An ordinance abolishing council districts may not be adopted or repealed during a year in which a municipal election is held.

If a town council desires to change town council districts it must do so **on or before November 8 of a year preceding a year in which a town election is scheduled to be held**. The town may not change the boundaries of a council district after this November 8 deadline through the day following the date on which the town election is held except to assign annexed territory to a town legislative body district in an annexation ordinance. (IC 3-11-1.5-31) An ordinance recertifying, establishing, changing or abolishing districts must be filed with the circuit court clerk of the appropriate county. Annexation ordinances must also be filed with the circuit court clerk. (IC 36-4-3-22)

Changing the Number of Town Council Members

Towns can also increase or decrease the number of council members by following the procedures outlined in state law. (IC 36-5-2-4.2) These steps include a resolution, a ballot referendum, and a local ordinance.

Staggered Terms and Changing Year of Elections

Towns may stagger the terms of town offices and change the year in which some or all town offices are elected. Some towns stagger the terms of town officers so that officers are elected in different years to prevent the turnover of all town officers after one election.

To stagger terms, the town council must pass an ordinance in the year preceding a town election. The deadline for staggering terms for the 2015 town elections is **midnight, December 31, 2014**.

The ordinance must specify the years in which town elections will be held. Town elections may be scheduled to occur in general election years which occur during even-numbered years (2016 or 2018, for example) or during municipal election years (2015 or 2019, for example), or both. However, a town election may not be scheduled to occur in those years immediately following a presidential election (2017, 2021).

The ordinance must also specify which offices, including seats on the town council, will be elected in each year. Initially, in order to change the time of elections, or stagger terms, or both, the holders of offices designated to change will serve less than a four-year term. After this initial shortened term, successors will be elected to full four-year terms. The ordinance may not establish a term that lasts more than four years.

In general, a large town (a town with a population of 3,500 or more) may only stagger the terms of council members so that no more than 50% of its members are elected in a general election year. (IC 3-10-6-2.5)

In contrast, a small town (a town with a population of less than 3,500) has more flexibility in scheduling its elections. For example, a small town may provide that some or all town offices elected in the 2015 election serve an initial one or three-year term so that the successors to the town offices elected in 2015 will be up for election in 2016, 2018, or both. Upon completion of the initial shortened term of one or three years, successors to the town officials elected in 2015 to hold shortened one or three-year terms will be elected to full four-year terms. (IC 3-10-7-2.9)

In fact, a small town may change the year of the election for all its offices so that all offices are elected in a general election year (2016, 2018) rather than a municipal election year. (2015, 2019) For example, a small town that elects all town offices in 2015 could adopt an ordinance that provides that all town offices

elected in 2015 will serve an initial three-year term. The successors of all town offices would then be elected in 2018 and every four years after. (2022,2026 etc.)

Ordinances establishing staggered terms and changing the times of elections must be passed in the year preceding the municipal election and may not be repealed earlier than twelve years after adoption. (IC 3-10-7-2.7; IC 3-10-7-2.9)

The county election board shall conduct the elections for all town offices that occur during general election years and may not assess the town for the cost of the election. (IC 3-5-3-11)

Precincts and Polling Places

Precincts are geographical areas established for the purpose of voting. Unlike town council districts, which are established by the town council, the county executive (the board of county commissioners or the Mayor of Indianapolis in Marion County) establishes precinct boundary lines by filing a precinct establishment order with the Indiana Election Division for approval. A town cannot alter precinct boundaries within the towns for the purpose of conducting town elections. (IC 3-11-1.5-2; IC 3-11-1.5-24)

Generally, each precinct located wholly or partially within a town must have its own voting place also called a polling place. A polling place refers to the room in a building where voters of a precinct vote. However, the county executive (or town council president in a town that has established a town election board) may establish one polling place administered by one team of precinct election officials (inspector, judges, poll clerks, and sheriffs) for two adjoining precincts if the county election board (or town election board in a town that has established a town election board) adopts an order approving this procedure by unanimous vote. (IC 3-11-8-4.3; IC 3-10-7-21; IC 3-10-7-22) Having one team of precinct election officials administer two precincts in the same polling place in this manner will reduce election expenses like room rental, wages, meals, and election training. However, if precinct election officials administer more than one precinct, the ballots and vote totals cast in each precinct are required to be kept and reported separately.

In addition, a county election board (or town election board in a town that has established a town election board) may omit certain precinct officers (poll clerks, sheriffs, or both) by adopting a resolution by unanimous vote. This resolution must specify which of the remaining precinct election offices will perform the duties of the clerks or sheriffs. (IC 3-6-6-38)

School buildings, fire stations, and all other public buildings shall be made available for polling places without charge. (IC 3-10-7-21; 3-11-8-4) Whatever polling place is selected, state and federal law requires that all polling places be accessible to disabled persons. (IC 3-11-8-6)

GETTING ON THE BALLOT

Candidate Qualifications

To run for a town office, a person must meet certain qualifications. Qualifications vary depending on the office. In small towns with fewer than 3,500 in population, there are at least two different elected positions as follows: town council member and town clerk-treasurer. Towns that have created a town court by ordinance will also elect a town judge. (IC 33-35-1-1)

A candidate for town council or town clerk-treasurer must be a registered voter in the district the candidate seeks to represent no later than the deadline for filing a declaration of candidacy or petition of nomination. (IC 3-8-1-1) A different requirement applies to a candidate for judge of a town court.

In addition, candidates for town council must:

1. reside within the town; and
2. reside in the district they seek to represent, if applicable. (IC 3-8-1-29; See section on “Town Council Districts” on page 5 for additional information)

Once town council members assume office they must continue to reside in the town and district, if applicable, and forfeit office if they cease to be a resident of the town or district. A council member who no longer meets applicable residence requirements after assuming office should resign. If a council member should, but does not resign, the council member may be removed from office by a court or by the town council itself using special procedures under state law. (IC 34-17-1; IC 36-5-2-6.5(3); IC 5-8-5)

In addition, candidates for town clerk-treasurer must:

1. reside within the town; and
2. forfeit office if they cease to be a resident of the town. (IC 36-5-6-3)

In addition, there are certain events like a prior felony conviction that has not been reversed, vacated, set aside or expunged, that act to disqualify a candidate to town office. (IC 3-8-1-5)

In general, a person may file as a candidate for town office in one of three different ways. First, a candidate of the Democratic, Libertarian, or Republican Party in a small town may file a declaration as a member of one of these three parties. (IC 3-8-5) As previously discussed, the applicable form and filing deadlines for Democratic or Republican Party candidates in small towns depends upon whether the small town has adopted an ordinance establishing a primary or the small town nominates these candidates in a town convention.

Second, a candidate may appear on the ballot by filing a petition of nomination. (IC 3-8-6) A candidate running as independent, or a candidate running as a candidate of a minor party (other than Libertarian Party), file a petition of nomination. Candidates wishing to represent the Libertarian Party must be nominated by the party (either in a convention or by direct appointment).

Finally, a candidate may file a declaration to be a write-in candidate. (IC 3-8-2-4) **Individuals running as a write-in candidate should remember that their names will not appear on the ballot.** Voters may cast a vote for a write-in candidate by writing in the name of the write-in candidate on the ballot.

For additional information on detailed candidate qualifications, filing forms, and filing deadlines, please consult the 2015 *Indiana Candidate Guide*.

Town Conventions

As described above, the general rule is that Democratic, Libertarian, and Republican Parties hold town conventions to nominate candidates for local office in small towns under 3,500 in population **when there is competition for an office between candidates of the same party**. The exception to this rule is where a small town has adopted an ordinance establishing a primary to nominate Democratic and Republican Party candidates. Even where a small town has adopted an ordinance establishing a primary to nominate Democratic and Republican Party candidates, Libertarian Party candidates would be subject to the town convention nominating process.

Determining the need for a town convention and the conduct of a town convention can be summarized in the following steps:

Step 1: Declarations of candidacy. A person who desires to be nominated for a town office as a Democratic, Libertarian, or Republican candidate must file a TOWN OFFICE DECLARATION OF CANDIDACY BY A DEMOCRATIC, LIBERTARIAN, OR REPUBLICAN PARTY CANDIDATE WHEN NO PRIMARY IS CONDUCTED IN 2015 (see Appendix **STATE FORM CAN-16**) and a STATEMENT OF ECONOMIC INTERESTS FOR LOCAL AND SCHOOL BOARD OFFICES (See Appendix **STATE FORM CAN-12**) **with the circuit court clerk between January 7, 2015 and noon, August 3, 2015**. For a town that has established a town election board, the circuit court clerk must certify to the town clerk-treasurer, and release to the public, a list of all candidates for all small town offices following the filing deadline for candidates. (IC 3-8-5-10.5; see CIRCUIT COURT CLERK CERTIFICATION OF TOWN CANDIDATES in Appendix **State Form CAN-17**). If there is no competition within a political party for the nomination to a town office, then the candidate of that party who filed by the filing deadline will automatically appear on the November town election ballot for that political party if an election is held in the town. If there is no competition within a political party for **any** town office then that party will not conduct a town convention and all the candidates who filed for that party will appear on the November town election ballot if an election is held in the town. (IC 3-8-5-14)

Step 2: Organize the town committee. The appropriate county chairman must appoint a registered voter of the town to serve as chairman of the town committee. The chairman of the town committee may not be a person who also holds a town office for the town. (IC 3-8-5-3) The town chairman also appoints a registered voter of the town to serve as the secretary of the town committee.

Step 3: Calling the town convention. The town chairman is responsible for calling and conducting the convention. The convention should be held in the town. However, the town convention can be held elsewhere within the county if no suitable location exists in the town. **The convention must be held no later than August 21, 2015.** The town chairman must file the CALL OF TOWN CONVENTION with the circuit court clerk of the appropriate county (where the largest part of the town's population lives). The CALL OF TOWN CONVENTION must also be posted at least three days in three prominent places in the town, including the town clerk-treasurer's office. The CALL OF TOWN CONVENTION must state the date, time and place of the town convention. (see Appendix **STATE FORM CAN-15**) A convention must be held if there are more candidates who file as candidates for the same party for the same office than the number of candidates to be elected on the November election ballot for that office (two Democratic Party candidates for town clerk-treasurer or four Republican Party candidates for three town council at-large positions, for example). (IC 3-8-5-10)

If the county chairman determines that an emergency requires the rescheduling of a town convention after notice of the convention has been given, the county chairman shall promptly file a notice in the county election board office and in the office of the town clerk-treasurer, stating the date, time, and place of the rescheduled convention (IC 3-8-5-10(e)).

The county election board shall furnish the secretary of the town convention with a list of all of the town's voters. (IC 3-8-5-11) The list must state the date that an individual became a voter of the town if the individual became a voter of the town the same year the town convention is held.

Step 4: Conducting the town convention. The town committee chairman and secretary serve different roles at the convention. If either is unable or unwilling to participate in the convention, a replacement for the chairman, secretary, or both, is selected from the eligible voters attending the convention. (IC 3-8-5-12) If the town chairman is unable or unwilling to participate in the convention, the secretary acts as chairman until the convention elects a chairman from among the eligible voters attending the convention.

Registered voters of the town affiliated with that party holding a town convention may attend and vote at the convention. Additionally, the voter must comply with any other requirement for determining political party affiliation set forth in the rules of the political party conducting the convention.

An individual who wants to vote in a town convention must register with the secretary of the town convention and subscribe to a statement that the individual is affiliated with the party conducting the convention before being permitted to vote in the convention. The secretary of the convention shall note on the list when an individual registers with the secretary. (IC 3-8-5-11(b))

The town chairman must make an initial determination regarding who is eligible to participate and vote at the convention. If an individual objects to the determination of the chairman, the matter shall be put to the vote of all those individuals whose eligibility to vote is not in dispute. (IC 3-8-5-12 (b))

A person may not attend and vote at more than one party's town convention. (IC 3-8-5-11(c)) A person who votes at more than one town convention commits a Class A misdemeanor and is subject to prosecution. (IC 3-14-2-30)

The chairman of the town convention must also propose convention rules for adoption by the town convention voters. At the very least, the rules must provide as follows:

1. the voting method to be used;
 2. a method for resolving tie votes;
 3. a method for narrowing the list of candidates if no candidate receives a majority of votes cast; and
 4. the rights of nonvoting observers and media attending the convention.
- (IC 3-8-5-12)

Proxy or absentee voting is not allowed at a town convention. In addition, nothing in the law permits candidates to be nominated from the floor of a town convention.

To be nominated, candidates must receive a majority of votes cast by voters present and voting at the convention.

Step 5: Certifying the nominees. Following the convention the chairman and secretary must complete in writing a TOWN CONVENTION CERTIFICATE OF NOMINATION (see Appendix **STATE FORM CAN-18**) stating as follows:

1. the name each nominee as the nominee wants the nominee's name to appear on the ballot (this is indicated on the person's declaration of candidacy);
2. the residence address of each nominee;
3. the office for which each person was nominated; and
4. that each nominee is legally qualified to hold office;

The certificate must be notarized and signed by the chairman and secretary of the convention. It is then filed with the circuit court clerk of the appropriate county **no later than noon, August 28, 2015**. The circuit court clerk must then file a copy of the certificate of nomination with the town clerk-treasurer **no later than noon, September 4, 2015**. (IC 3-8-5-13)

Step 6: **Withdrawal of a town convention nominee.** Candidates nominated at a town convention may withdraw their nomination by filing a MUNICIPAL ELECTION CANDIDATE WITHDRAWAL IN 2015 with the town election board or circuit court clerk. (IC 3-8-5-14.5; **STATE FORM CAN-46**)

A completed notice to withdraw must be filed **no later than noon, three days following the adjournment of the convention**.

Petitions of Nomination

Another way for a candidate to get on the ballot is through the circulation of a PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 (See Appendix **STATE FORM CAN-44**) signed by registered voters of the town. (IC 3-8-5-2) This method is reserved for those candidates who choose not to affiliate with the Democratic, Libertarian, or Republican parties.

Candidates seeking nomination through a petition must acquire the signatures of registered voters who are qualified to vote for the candidate. In other words, petitioners must be a registered voter of the town or the town district if the candidate is running for a district office where only the voters who live in the district vote for the district candidate. (IC 3-8-6-2; IC 3-5-2-19) Petition signatures must be submitted to the county voter registration office for a determination of whether the signature is that of a registered voter of the town or relevant town district. For the signature to count toward the number of signatures required, the county voter registration office must certify that the signature is of a registered voter as of the date the county voter registration office processes the petition. (IC 3-8-6-2)

A candidate's petition must be signed by a number of voters that is equal to two percent (2%) of the total vote cast in the last election for secretary of state in the election district they seek to represent. Fractions of whole numbers do not count. (IC 3-8-6-3)

To illustrate how this two percent (2%) requirement is calculated assume there is a town named "Hoosierville." Hoosierville is composed of two precincts. Assume the break down of votes cast for secretary of state in 2014 in these two Hoosierville precincts is as follows:

Candidates	Precinct 1	Precinct 2	Totals
Elizabeth "Beth" White	120	110	330
Connie Lawson	110	120	330
Karl Tatgenhorst	17	21	38

698 total votes (330+330+38) were cast for all candidates for secretary of state in these two precincts. 698 multiplied by 2% (698 x .02) equals 13.96. Therefore, a candidate will be required to obtain the signatures of 13 voters of the town on a petition of nomination to qualify for an at-large seat on the Hoosierville town council.

Frequently, a small town will be included entirely within a precinct that consists of an entire township so that the precinct contains both voters in the town and voters in the unincorporated areas of the township. In this situation it may be impossible to calculate the 2% figure for the town. However, if a candidate for town office obtains enough signatures on a petition to equal the 2% required for the entire township, then the petitioner is certain to have obtained enough signatures to meet the 2% required to run for town office.

A petition of nomination must indicate, among other things, whether the candidate is affiliated with the same political party as any other candidate or group of candidates that has filed or will be filing a petition of nomination. **Note: An independent candidate may not include the name of any other candidate on the petition or request to be placed on the ballot as associated with any other candidate for town office.** (IC 3-8-6-4; see Appendix **STATE FORM CAN-44**)

A candidate may identify a political party name on the petition and include a symbol for the political party. Once a petition is certified, the name and any symbol will appear on the ballot. (IC 3-8-6-5)

Petitioners who sign a candidate's PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 must include:

1. the person's signature;
2. their name of the person legibly printed;
3. the date the person signed the petition; and
4. the person's residence address. (IC 3-8-6-6)

Electronic signatures, digital signatures, digitized signatures, or photocopied signatures of a voter are not permitted. (IC 3-5-4-1.7) The signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to include this information on the petition then the disabled petitioner may authorize another person to do so on the petitioner's behalf. If this occurs, the person assisting a petitioner must execute the Affidavit of Assistance Provided to Petitioner(s) on the back of the candidate's PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015. (IC 3-8-6-6)

In addition, an individual who circulates a petition to collect signatures on a candidate's PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 is required to complete the Petition Carrier Certification at the bottom of each page of the candidate's PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015. This is required even if the candidate is circulating his or her own PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015. (IC 3-6-12)

A signature page that does not comply with these requirements will be received for filing. However, the county voter registration office will not certify the signatures on a page of the petition that does not contain a completed Petition Carrier Certification. The county voter registration office is required to notify the petition carrier and allow the petition carrier to complete the Petition Carrier Certification and will certify the signatures on the petition if the Petition Carrier Certification is completed before the deadline for filing the candidate's PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 (June 30, 2015). (IC 3-6-12)

A candidate seeking nomination through the petition process should acquire more than the minimum number of required petition signatures. Those who sign the petition may not either be registered to vote or registered to vote in the relevant election district. In addition, the county voter registration office may find it difficult to certify a signature where there is no printed name or address or the name and address is not legible.

A candidate's PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 may be filed with the county voter registration office between **January 7, 2015 and noon, June 30, 2015** for certification of petition signatures.

After verification of the signatures on a candidate's petition, the county voter registration office must certify to the county election board (or town election board and clerk-treasurer if a town election board has been established) the number of valid signatures on each petition of nomination. Petitions must be certified by **noon, July 15, 2015**. (IC 3-8-6-10)

A candidate's petitions must be accompanied by the candidate's CONSENT OF INDEPENDENT OR MINOR PARTY CANDIDATE NOMINATED BY PETITION FOR CITY OR TOWN OFFICE IN 2015 (IC 3-8-6-10; see Appendix **STATE FORM CAN-45**) and the candidate's STATEMENT OF ECONOMIC INTERESTS FOR LOCAL AND SCHOOL BOARD OFFICES. (See Appendix **STATE FORM CAN-12**)

A candidate may voluntarily withdraw a previously filed petition by filing a MUNICIPAL ELECTION CANDIDATE WITHDRAWAL IN 2015 if this form is filed by noon, July 15, 2015. (IC 3-8-6-13.5; see Appendix **STATE FORM CAN-46**)

Write-In Candidates

Another manner of candidate nomination is as write-in candidate. This method allows a person to run for office without filing as a major party candidate, being nominated at a town convention, or by a petition of nomination.

To be eligible, a candidate must file a DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR CITY OR TOWN OFFICE IN 2015 with the circuit court clerk. (IC 3-8-2-2.5) (see Appendix **STATE FORM CAN-51**) Once filed, a write-in candidate is subject to the same laws that apply to other candidates. However, unlike all other candidates, the write-in candidate's name will not appear on the ballot. Instead, a voter must write the name of the candidate on the ballot in the space provided for write-in votes. Only votes cast for declared write-in candidates shall be counted and certified. (IC 3-12-1-1.7)

Candidates can file a DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR A CITY OR TOWN OFFICE IN 2015 between **January 7, 2015 and noon, July 6, 2015**. (IC 3-8-2-4(b))

A write-in candidate may voluntarily withdraw a previously filed DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR A CITY OR TOWN OFFICE IN 2015 by filing a MUNICIPAL ELECTION CANDIDATE WITHDRAWAL IN 2015 no later than **noon, July 15, 2015**. (IC 3-8-2-2.7) (see Appendix **STATE FORM CAN-46**)

Filling Ballot Vacancies

Another way for a candidate to get on the ballot is to fill a ballot vacancy for a party. Major parties (the Democratic and Republican Parties) may fill a ballot vacancy that exists on the general election ballot as a result of no candidate running for an office in the primary election if a primary election is applicable to the town office. The party may also be able to fill a ballot vacancy if a previously nominated candidate ceases to be a candidate due to withdrawal, disqualification for specific reasons, or death. (IC 3-13-1-7(b)) If a ballot vacancy for a major party candidate occurs before the 30th day before the town election, the precinct committeemen of the party with the vacancy, who are eligible to vote for the office, may hold a caucus if called by the party's county chairman to select a candidate to fill the ballot vacancy, or in the alternative, the county chairman or the county executive committee (chairman, vice chairman, secretary and treasurer) may fill the ballot vacancy if authorized to do so by the political party's county committee. (IC 3-13-1-6)

Libertarian Party ballot vacancies are filled by the state committee of that party. (IC 3-10-7-21; IC 3-13-1-20; IC 3-13-1-15)

Late ballot vacancies are those that occur after the 31st day before the election.

For major parties, the county chairman of the Democratic or Republican Party may fill a late ballot vacancy for the party. (IC 3-13-2-5) The Libertarian Party state committee fills its late ballot vacancies (IC 3-13-2-12).

In those instances where the candidate was nominated by filing a PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 as a member of a party other than the Democratic, Libertarian, or Republican Party, the presiding officer of the party identified on the petition may appoint someone to fill the vacancy. Vacancies of these party candidates must be filled **no later than noon August 28, 2015**. (IC 3-13-1-18 and IC 3-8-5-13)

A candidate who was nominated by filing a PETITION OF NOMINATION FOR CITY OR TOWN OFFICE IN 2015 as an "independent" candidate may not be substituted with another candidate under any circumstances. (IC 3-8-6-17)

Determining Whether an Election is Required

If, after all the deadlines to become a candidate for town office have passed, and **no candidate has filed** for an office that is up for election in 2015, then the town may not have an election. In this case, town officers currently holding offices hold over to serve another term. (Art. 15 § 3 of the Indiana Constitution, IC 3-13-9-5.5, and IC 3-13-9-5.6) If **at least one candidate has filed** for any office up for election in 2015 then the general rule is that the town shall have a town election on November 3, 2015 unless the county election board (or the town election board if one has been established) adopts a unanimous resolution as described below. (IC 3-10-7-6)

If some candidates have filed for town office but there are **no more candidates nominated for any office by any means (primary, town convention, petition, or write-in candidates, for example) than seats up for election** then the town must nonetheless have an election unless the county election board (or a town election board if one is established) adopts a unanimous resolution of its entire membership that an election may not be held in the town. (IC 3-10-7-6(e)) For example, where only one candidate may be elected to an office (town clerk-treasurer) and only one candidate is competing for that office, there is no contest for the office of town clerk-treasurer. Likewise, where more than one candidate may be elected to an office (three town council members who all run at-large, for example) and only three candidates are competing for the office, there is no contest for the office for town council.

With one exception, if there is a contested race for any office, all names must appear on the ballot. The one exception being that if there is a contest for an office that is voted on by only the residents of a particular district (a town council district where only the residents of the district vote for the office, for example), and there is no contest for an office to be voted on by the voters of the entire town (town clerk-treasurer, for example), then the county election board (or town election board if one is established) may, by unanimous vote, adopt a resolution that only the names of candidates in the town council district in which there is a contest shall be printed on the ballot. If this occurs, the names of all unopposed candidates for an election to be voted on by all voters of the town will **not** be placed on the ballot. (IC 3-10-7-6(d))

Persons Who Holdover in Office

When there are no nominees for an office where only one candidate may be elected (town clerk-treasurer, for example), the person currently serving in the position remains in office automatically for another four year term. The Constitution of the State of Indiana specifies that an officeholder remains in office until a qualified successor is elected. (Article 15, § 3; IC 3-13-9-5.5) Where more than one candidate may be elected to the office (three town council members who all run at-large, for example), the town council shall determine, not later than December 31 following the election, the incumbent council member or members who remain in office. (IC 3-13-9-5.6)

TOWN ELECTION BOARDS AND GENERAL PROCEDURES

Who Conducts Election in a Small Town?

In general, the county election board will conduct elections for all the cities and towns in a county. The county election board shall conduct the election in a small town (a town with a population of less than 3,500) in 2015 unless the town council adopts a resolution between **January 1, 2015 and August 8, 2015** to establish a town election board to conduct the town election. The resolution must be filed with the circuit court clerk no later than **noon August 21, 2015**. If adopted, the resolution will expire **December 31, 2015**. (IC 3-10-7-5.5)

Town Election Board

If a resolution is adopted to establish a town board, the town election board is responsible for administering the municipal election. The town election board has the same powers and duties in conducting the town election as the county election board has when conducting a general election. (IC 3-10-7-21)

The town election board consists of a town chairman appointed by the Democratic Party county chairman, a town chairman appointed by the Republican Party county chairman, and the town clerk-treasurer. (IC 3-10-7-7) The town election board must select one of its appointed members to serve as chairman of the town election board. The clerk-treasurer serves as secretary to the town election board. (IC 3-10-7-11)

The town election board should not be confused with the town political party committees established to administer the town conventions. It should also not be confused with the town council.

Organization and Meetings of Town Election Board

The chairman calls meetings of the town election board when necessary to perform its duties. If the chairman refuses or is unable to call meetings, the two remaining town election board members may meet and conduct business. (IC 3-10-7-12) Minutes must be kept of all meetings, including a record of each member's vote on all questions that come before the board. (IC 3-10-7-13) The meetings and minutes are subject to the State Open Door (IC 5-14-1.5) and Public Records (IC 5-14-3) laws.

For town elections to come off smoothly, it is important for the town election board to prepare a plan for the election and work with other election officials. One of the first tasks a town election board should do is contact the circuit court clerk, county chairmen of the Democratic and Republican Party, and the county election board. Each of these boards or individuals has a role to play in the election.

The town election board is responsible for securing voting supplies, printing ballots, tallying votes, keeping accurate records, and coordinating absentee voting. Party chairmen are responsible for nominating certain election officials and filling ballot vacancies. The county election board and circuit court clerk are responsible for providing voter registration information and election equipment and materials. In addition, the county election board may hear appeals of decisions made by the town election board. (IC 3-10-7-35)

The town election board has the authority to hire clerks, custodians, and other employees to assist in administering the election. While nothing in the law requires that towns hire additional employees, the town election board fixes the employees salaries, duties, and rank. (IC 3-10-7-16)

The town election board may also appoint deputy election commissioners. Deputy election commissioners must be residents of the town and serve at the pleasure of the town election board. If the town election board chooses to appoint deputy election commissioners, the county chairmen of the Democratic and Republican parties each shall designate one half of the commissioners. (IC 3-10-7-15)

Whenever called upon by the town election board, the town marshal must assist the board in enforcing all election laws and the discharge of their duties. (IC 3-10-7-19)

Election Records

As secretary of the town election board, the clerk-treasurer is responsible for keeping a record of the board's minutes, meeting notices, and agendas for each board meeting. (IC 3-10-7-13) These records must be compiled and retained according to the same requirements for town council meetings under the Open Door Law. (IC 5-14-1.5)

In addition, after the town election board has completed a canvass of all the votes cast in an election, **the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county** containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with state law. (IC 3-10-7-33)

Federal and state law requires that election materials be kept for twenty-two (22) months after the election. (IC 3-10-1-31.1) Except for one ballot and one provisional ballot that should be retained for the town's records, unused ballots can be destroyed after noon 17 days after the election. (IC 3-11-3-31)

Appealing Town Election Board Decision

Any registered voter in the town may appeal any decision of the clerk-treasurer or the town election board to the county election board. The appeal must be in writing, describe the grounds for the appeal, and include any relevant documents. The county election board must render a decision within ten days of receiving the appeal. (IC 3-10-7-35)

Precinct Election Officials

Precinct election officials are nominated by the appointed Democratic and Republican Party members of the town election board. The town election board shall appoint the nominated precinct election officials for each precinct or voting place. (IC 3-10-7-27; IC 3-10-7-22) Each precinct election official must be a registered voter of a county in which the town is located (in former years, these officials were required to be residents of the town, but this requirement was repealed in 2013). (IC 3-10-7-22) All precinct election officials have the same powers and duties, and are subject to the same qualifications and penalties, as their counterparts in a general county election. (IC 3-10-7-23)

The town election board must appoint a precinct election board consisting of one inspector and two judges of opposite political parties. The inspector is appointed by the appointed town election board member representing the political party whose candidate received the most votes in that county for the

office of secretary of state in the last general election for that office in 2014. (IC 3-10-7-26) The circuit court clerk of the appropriate county can provide this information.

The town election board will also appoint two poll clerks and two election sheriffs of opposite political parties. (IC 3-10-7-24) However, the town election board may adopt a resolution (by unanimous vote of the entire board) to eliminate poll clerks, sheriffs, or both in specified precincts or in all the precincts of the town. The board must designate which precinct election officials must perform the duties of the omitted poll clerks or sheriffs. (IC 3-6-6-38) Two assistant poll clerks may also be appointed if the town election board deems such positions necessary. (IC 3-10-7-24)

If a precinct election board administers more than one precinct, the precinct election board must keep the ballots cast in each precinct separate from the ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined. (IC 3-10-7-22(c))

In addition to these precinct officials, each political party that has a candidate on the ballot may appoint one challenger and one pollbook holder for each precinct in the town. These persons have the same powers and duties, and are subject to the same qualifications and penalties, as challengers and pollbook holders appointed under IC 3-6-7-1 Challengers and pollbook holders are not paid by the town. (IC 3-10-7-29)

Ballot Type and Voting Method

The town election board shall determine how votes will be cast in the election- by traditional hand-counted paper ballot, by optical scan ballot card, on electronic voting machines, or by some combination of these different ways to cast a vote. Whatever method is used, there are statutory requirements that must be followed. The general requirements are listed in different chapters of the Indiana election code as follows:

1. Traditional hand-counted paper (IC 3-11-2; IC 3-11-11);
2. Optical Scan Ballot Card (IC 3-11-13); and
3. Electronic voting system (IC 3-11-14).

The town election board may request to use the county's voting equipment. The county must provide the use of the voting equipment if it is available. However, the town must pay moving expenses and for any loss or damage to the equipment. (IC 3-10-7-31) If the town uses a voting system other than traditional hand-counted paper ballots, the system must have been previously approved for use in Indiana by the Indiana election commission.

Whatever voting system is used in an election, the town election board is required to arrange to have at least one accessible voting machine available for in-person absentee voting and at least one accessible voting machine available at each polling place on Election Day so that voters with disabilities, including blind voters and visually impaired voters, may cast a ballot privately and independently. (IC 3-11-15-13.3(c); IC 3-11-9-6; IC 3-11-10-12.5) This requirement can be met by providing a specially equipped electronic voting machine. (IC 3-11-15-13.3(d)) Every county in Indiana was required to purchase these machines as a result of the federal Help America Vote Act of 2002.

Town Election Expenses

The allocation of town election expenses depends on whether the town election board or county election board conducts the town election. In addition, if the town election board conducts the town election the board may enter into an agreement with the county for election supplies and equipment. Even if the county election board conducts the town's election the town may enter into an agreement with the county to establish a fixed reimbursement amount the town will owe to the county for conducting the town election.

Expenses Where Town Election Board Conducts Election

If the town establishes a town election board, the appointed members may be compensated for serving on the town election board. The town council determines the compensation. (IC 3-10-7-20) However, state law does not require that appointed members receive pay. In addition, there is no provision for additional compensation for the clerk-treasurer for serving as secretary for the town election board. In addition, the town election board may appoint and compensate deputy election commissioners and any other employees it may need to administer an election.

If the town election board conducts the town's election, the election materials, supplies and equipment are purchased in accordance with the town budget as set by the town council. All purchases must conform to state purchasing laws, and payments are made only upon filing a claim with the clerk-treasurer and verified and approved by the town election board. (IC 3-10-7-17)

Upon request of the town election board, the county election board shall furnish any available equipment necessary for a town election and the town shall pay the county the expense of moving the equipment to and from the polls and for any loss of or damage to the equipment. (IC 3-10-7-31)

Expenses Where County Election Board Conducts Election

Small towns with a population of less than 3,500 are permitted by law to enter into a contractual agreement with the county to establish the amount the town will reimburse the county for conducting the town's election. (IC 3-5-3-8) For the 2015 town election, this agreement must be made no later **than September 21, 2015**. (IC 3-10-7-4) State law does not dictate the contents of the agreement, only that both parties agree to its terms. (see Appendix- Sample Agreement)

The agreement permitted under this statute should be limited to one election. Subsequent elections would be covered by a separate agreement. The amount the county is reimbursed for its expenses should be specified in the agreement. Entering into an agreement with the county election board does not change how candidates are nominated for town elections. (IC 3-10-7-4)

If the county conducts the election for the town and there is not an agreement with the county to establish the amount the town will reimburse the county for conducting the election, certain election expenses directly attributable to the town's election are billed by the county to the town. (IC 3-5-3-7, IC 3-5-3-8, and IC 3-5-3-9). In addition, other more general expenses are apportioned between the county and all municipalities in the county. The portion of these expenses will be assumed by the county and the town will be billed for a portion of these expenses in the same ratio that the number of voters who cast a ballot in the town in the primary (if any) or town election bears to the total number of voters who cast a ballot in all the cities and towns in the county in the primary or municipal election. (see Appendix- APPORTIONMENT OF MUNICIPAL GENERAL ELECTION COSTS, **STATE FORM CEB-35**) This apportionment of costs does not apply to a town which has entered into an agreement with the county to establish the amount the town will reimburse the county for conducting the election. (IC 3-5-3-8(b))

VOTER REGISTRATION

This chapter describes some of the key dates and unique features of the voter registration process.

Regular Registration Procedures

Indiana law provides that a voter only needs to register to vote once. In most cases, the only time a person would need to re-register is if they have moved from the precinct where they most recently voted. A person who has been disenfranchised following conviction of a crime must re-register after release from imprisonment. (IC 3-7-13-7)

For a municipal election year, in general registration is open for most voters between December 1, 2014 and **April 6, 2015**. Registration closes prior to any primary election, but reopens May 19, 2015 and continues until **October 5, 2015** for the November municipal election. (IC 3-7-13-10) These same time periods apply even in towns with a population of less than 3,500 that do not have primaries. The deadline for registering to vote may apply differently depending on the manner the person submits a registration application (by hand-delivery, mail or online, for example) and there are special late registration procedures that apply to military and overseas voters. For additional information consult the *2015 ELECTION CALENDAR ADMINISTRATOR'S EDITION* or the *2015 VOTER REGISTRATION GUIDEBOOK*.

The county voter registration office is responsible for processing voter registrations. The only official duty a small town has with respect to the registration of voters is to make mail-in voter registration applications available at the office of the town clerk-treasurer.

Because a person must be registered before they can vote, the town election board will need accurate and current voter registration lists from the county voter registration office. These lists of registered voters must be prepared and distributed **no later than ten days before the election** by the county clerk's office. Lists must be prepared for each precinct in the town. (IC 3-7-29-1) Special procedures apply to counties (or towns that established a town election board) that have adopted the use of electronic poll books instead of paper poll books.

Because of the confusion that may exist regarding precincts and town boundaries, town election boards may want to obtain, review and organize these voter lists as early as possible. Accurate and easily referenced voter registration lists in the statewide voter registration system should minimize potential problems. A key element to reducing these problems is cooperation between the town clerk-treasurer and the county voter registration office. Working together and sharing information will help both to discharge their statutory duties more easily and with less potential for error. The town will likely be assessed the cost of preparing these lists.

National Voter Registration Act

Passed by Congress in 1993 and implemented by Indiana in 1995, the NVRA or "motor voter" law created several new sites for registering to vote. A person can register to vote at the license branch (IC 3-7-14), public assistance agencies (IC 3-7-15), agencies serving the disabled (IC 3-7-16), and armed forces recruitment offices (IC 3-7-17)

The town clerk-treasurer's office is designated as a site where mail-in voter registration forms must be available to the public. (IC 3-7-24-9) The office must also post a notice in a prominent location easily visible to the public indicating that mail-in voter registration forms are available at the office (IC 3-7-24-17). The notice must state substantially the following:

"VOTER REGISTRATION FORMS AVAILABLE HERE

This office has forms that you can fill out to register to vote in Indiana. If you live in Indiana and are not registered to vote where you live now, and you want to register (or change your registration record), please take one of the forms.

If you cannot find a blank voter registration form in this office, ask us to give you a form. You must take the form with you and mail or deliver the form to the voter registration office.

Applying to register or declining to register to vote will not affect the assistance or service that you will be provided by this office."

As the notice indicates, the clerk-treasurer's office is not required to accept these forms, or mail or deliver them to the county voter registration office. (IC 3-7-24-16)

ABSENTEE VOTING

In addition to casting a ballot on Election Day, voters may apply to vote by absentee ballot before Election Day. (IC 3-11-4-2) (**STATE FORMS ABS- IN PERSON, ABS- MAIL, ABS- TRAVELING BOARD, ABS-1, ABS-2, ABS-15**) Depending upon the circumstances, a voter may vote absentee in-person in the town clerk-treasurers office, by mail, or by absentee traveling board. Military and overseas voters may even vote by fax or email.

In small towns that have established a town election board, the board should contact the county clerk's office and obtain a quantity of application forms as soon as the board is established. A special absentee ballot application (**STATE FORM ABS-15**) is available for military and overseas voters. In addition, military and overseas voters can use a combined voter registration and absentee ballot application known as the Federal Post Card Application (FPCA). The county voter registration office must process the voter registration application portion of the FPCA. The town election board and town voters may also obtain absentee ballot applications from the Election Division's website at <http://www.in.gov/sos/elections/2402.htm>.

In small towns that have established a town election board, all absentee ballots must include the official seal and signature of the town clerk-treasurer and the initials of either both members of the absentee voter board or the appointed members of the town election board. (IC 3-11-4-19) **NOTE: Whenever the clerk-treasurer is a candidate on the ballot for any office, the name and signature of the town clerk-treasurer may not appear on the ballot for authentication or other purpose. Instead, the ballot printer must substitute a uniform device prescribed by the Indiana Election Commission for that purpose (IC 3-5-4-9). Contact the Election Division if you need a copy of this uniform device or other information concerning this requirement.**

Voting Absentee In-Person

If a small town is conducting its election, a person may apply to vote absentee in-person in the office of the town clerk-treasurer without stating a reason. (IC 3-11-4-1) Unless otherwise ordered by the town election board, voting in person can be done between October 6, 2015 and **noon November 2, 2015**, the day before the town election. Absentee voting in the town clerk-treasurer's office must also be held on the two Saturdays preceding the election for at least seven (7) hours. (October 24 and October 31, 2015). In counties with a population of less than 20,000, the seven hour requirement can be reduced to four hours. (IC 3-11-10-26)

However, as a practical matter, providing for in-person absentee voting as otherwise required by law in many small towns may be practically difficult and costly. As a result, a town election board may, by unanimous vote of all of its members, and after making certain findings required by law, pass a resolution that establishes specific days and times for casting an absentee ballot in person in the town clerk-treasurer's office that are less than otherwise required by law. (IC 3-11-10-26.5) A town election board may obtain a sample resolution from the Indiana Election Division for this purpose.

Voting Absentee by Mail

A voter may also cast a vote by mail. However, a voter voting an absentee ballot by mail is eligible to cast an absentee ballot only if they indicate one of the pre-printed reasons on the absentee ballot application that is applicable to the voter (The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve hours that the polls are open, for example).

Applications to vote by mail can be completed and delivered to the town election board in person, by mail, or by FAX. In addition, military and overseas voters may deliver an absentee ballot application to the town election board by scanning a copy of their application and attaching the application to an email sent to the town clerk-treasurer. Absentee ballot applications to vote absentee by mail in the town election must be received by the town election board no earlier than **May 19, 2015** and no later than **October 26, 2015**.

Except when an absentee application is challenged, mailed absentee ballots must be sent, postage fully prepaid, on the day the application was received or within five days after receipt of the ballots, whichever is later, together with a pre-addressed postage prepaid envelope for the return of the ballot by the voter. (IC 3-11-4-18; IC 3-11-4-20) If the town election board determines that a voter who has submitted an absentee ballot application has submitted a voter registration application and has been placed in "pending" status, the board may hold onto the absentee ballot application and send an absentee ballot to the voter on the date that the voter becomes an "active" registered voter. (IC 3-11-4-18(c))

A person voting an absentee ballot by mail must:

1. mark the ballot in the presence of no other person who can see how the voter voted;
2. fold each ballot so that no other person can determine how it was voted;
3. enclose the voted ballot in the envelope provided and seal the envelope;
4. sign the voter's name on the outside of the envelope; and
5. mail the ballot to the town election board or deliver it in person. (IC 3-11-10-1)

In addition to the voter hand-delivering an absentee ballot in person to the town election board, the voter may provide an absentee ballot to the voter's attorney in fact or a member of the voter's household for delivery to the board. However, it is a criminal offense for other individuals to do so. (IC 3-14-2-16)

An absentee ballot that is hand-delivered to the town election board must be accompanied by an **AFFIDAVIT OF INDIVIDUAL DELIVERING A VOTER'S MARKED ABSENTEE BALLOT TO COUNTY (STATE FORM ABS-19)** that documents that the person delivering the absentee ballot is a member of the voter's household or the voter's attorney in fact. If the person delivering the absentee ballot is the voter's attorney in fact then a copy of the power of attorney for the voter must be attached to this ABS-19t, unless a copy of the power of attorney has already been filed with the town election board., (IC 3-11-10-24)

The town election board, where one is established, must arrange to have absentee ballots prepared and delivered no later than September 14, 2015. (IC 3-11-4-15) Absentee ballots must begin to be mailed to voters with pending absentee ballot applications on file by September 19, 2015 or the date the application is received, whichever is later. (IC 3-11-4-18) It is absolutely critical to mail absentee ballots to military and overseas voters with pending absentee ballot applications on file before September 19, 2015 by the deadline of September 19, 2015 in order to avoid a violation of federal law.

Voting Absentee by Traveling Board

A qualified voter confined to a residence or other facility within the county because of illness or injury, a voter caring for a confined person, or a disabled voter whose precinct is not accessible to the voter may vote an absentee ballot before a traveling absentee board that travels to where the voter is located. An absentee ballot voted before a traveling absentee board must be cast on **any of the twelve (12) days** immediately preceding the election. (IC 3-11-10-25) The deadline to apply to vote before a traveling absentee board is **noon November 2, 2015**

A disabled voter who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope **MUST** vote before a traveling absentee board. (IC 3-11-10-24)

Military and Overseas Voters

Military and Overseas voters may vote by fax or email. The request to vote absentee by fax or email may be made on a Federal Post Card Application (**FEDERAL FORM 76A**) or a special military/overseas absentee ballot application (**STATE FORM ABS-15**). A request may be delivered to the town election board by mail, email, or fax but must be submitted no later than noon **November 2, 2015**. (IC 3-11-4-3; IC 3-11-4-4; IC 3-11-4-6)

If an application to vote by email or fax is approved by the town election board, the board will fax, or scan and email, a COVER SHEET AND AFFIDAVIT FOR ABSENTEE UNIFORM SERVICES AND OVERSEAS VOTER (**STATE FORM ABS-9**) and an absentee ballot to the voter. The military or overseas voter must complete the ABS-9 and mark the absentee ballot and return either a faxed copy, scanned copy, or a digital image (a picture using a cell phone, for example) of the ABS-9 and voted ballot to the town election board by email or fax.

The county election board will then take the emailed or faxed ballot and place it in a special absentee ballot envelope (**STATE FORM ABS-10**) and attach the voters absentee ballot application and completed ABS-9 to the outside of the envelope. This emailed or faxed ballot is then processed like any other absentee ballot.

An absentee ballot received **by mail** from an overseas voter, including a military voter who is stationed outside of the United States will not be considered as arriving too late to be counted if the ballot is postmarked no later than election day, and is received by the noon 10 days after the election. (IC 3-12-1-17)

Absentee Ballot Application Assistance

A person may provide another person with a “pre-completed” absentee ballot application with the following items provided:

- 1) the voter’s name;
- 2) registration or mailing address;
- 3) date of birth; and
- 4) voter identification number.

However, a person is prohibited from providing another person with an absentee ballot application with the following items “pre-completed” on the application:

- 1) the address to mail the ballot (other than the individual’s own registration address);
- 2) the party ballot choice in a primary election;
- 3) the types of absentee ballots (such as presidential only, or school board only); and
- 4) the reason why the voter is qualified to vote absentee by mail or before a traveling board.

If a person assists another person in completing any of the items listed in paragraphs 1-4 in the preceding paragraph, the person assisting must do so in the presence of the voter and state the following information, under oath, on the absentee ballot application in the area provided:

- 1) The name, address, and telephone numbers of the person assisting.
- 2) The date of the assistance.
- 3) That the individual assisting complied with state laws regarding submitting applications (such as timeliness).

- 4) That the person assisting had no reason to believe that the applicant was ineligible or did not properly complete and sign the application. (IC 3-11-4-2)

A person who receives an absentee ballot application from another person must file the application with the county election board by noon 10 days after receiving it, or by the applicable absentee ballot application deadline, whichever occurs first. However, this requirement for timely delivery does not apply to a postal employee or to an employee of a bonded courier company.

A person, other than a postal employee or an employee of a bonded courier company, who files an absentee ballot application other than the person's own application, must complete and file an AFFIDAVIT OF INDIVIDUAL FILING ABSENTEE BALLOT APPLICATION (state form ABS-17) with the voter absentee ballot application (**STATE FORM ABS-17**) stating the following:

- 1) The name, address, and telephone number of the person filing the application.
- 2) That the individual filing the application complied with state laws regarding submitting applications.
- 3) That the person filing the application had no reason to believe that the applicant was ineligible or did not properly complete and sign the application.
- 4) That the affidavit is completed under the penalties of perjury (with those penalties being set out on the affidavit).
- 5) The dates (or dates) that the absentee ballot applications attached to the affidavit were received. (IC 3-11-4-2)

The county election board shall record the date and time the affidavit was filed. (IC 3-11-4-2)

Processing and Challenging an Absentee Ballot Applications

Upon receiving an application for an absentee ballot, the town election board (or the absentee voter board) shall determine If: (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office; (2) the information set forth on the application appears to be true; (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual assisting a disabled voter under section IC 3-11-4-2(b); and (4) the application has been completed and filed in accordance with Indiana and federal law. (IC 3-11-4-17.5(a)) The town election board (or the absentee board) will need to coordinate with the county voter registration office to obtain information sufficient to make these determinations.

If the members of the town election board or absentee voter board are making these determinations and are unable to agree about any of these determinations then one of the board members should challenge the absentee ballot application as described below. Only a member of the town election board or a member of the absentee voter board may challenge an absentee ballot application. An absentee ballot application is challenged by completing and filing an AFFIDAVIT OF COUNTY ELECTION BOARD OR ABSENTEE VOTER BOARD MEMBER CHALLENGING ABSENTEE BALLOT APPLICATION (**STATE FORM ABS-20**) alleging that the application: (1) was not submitted by a voter of the precinct; (2) contains a false statement; or (3) was not executed or filed in accordance with state or federal law (including the laws described in the preceding section). If an absentee ballot application is challenged, the matter must be referred to the town election board for a prompt decision to either approve or deny the application. (IC 3-11-4-18.5) However, if the application that is challenged is submitted by a voter wanting to cast an absentee ballot in person at the office of the town clerk-treasurer then the voter shall be permitted to cast a provisional ballot which the county election board shall retain for processing after election day with other provisional ballots and should not transmit to the voter's polling place. (IC 3-11-4-17.5(a))

Appointment of Absentee Voter Boards

The town election board may appoint as many absentee voter boards (including traveling absentee voter boards) that the town election board deems necessary for conducting absentee voting. Absentee voter boards consist of two people who are voters of the county, one from each of the two major political parties. A person is not eligible to serve on an absentee voter board if the person is:

1. unable to read or write the English language;
2. has any property bet or wagered on the outcome of the election;
3. is a candidate to be voted upon at the election; or
4. is related to a candidate, unless the candidate is unopposed. (IC 3-11-10-36)

Ten days before the beginning of absentee voting, the town election board must notify the respective county chairmen of the Democratic and Republican Parties of the number of absentee voter boards that will be appointed. Once the party chairmen are notified, they must make written recommendations for appointments to the absentee voter boards no later than three days of the start of in-person absentee voting in the office of the town clerk-treasurer. The town election board must appoint those individuals recommended by the county chairmen for appointment. If the county chairmen fail to make recommendations within the statutory time frame, the town election board may appoint any voter of the county otherwise qualified to serve. (IC 3-11-10-37)

A member of an absentee voter board must receive training from the town election board before beginning to perform the member's duties. (IC 3-11-10-39)

An absentee board member is entitled to compensation. The town election board may establish a per diem and reimbursement for mileage. (IC 3-11-10-38)

ELECTION DAY AND POST-ELECTION ACTIVITIES

The town election board must prepare for and perform a number of duties on Election Day. Leading up to Election Day the board must decide which method or methods of voting will be used. (See section titled preceding section titled “Ballot Type and Voting Method” and section below titled “Ballots”) The town election board will also be responsible for tabulating ballots election night and certifying the results.

The Polling Place

The polls are open from **6:00 a.m. to 6:00 p.m.** prevailing local time on Election Day. (IC 3-11-8-8)

The inspector must announce the opening and closing of the polls to people outside the polling place in a loud tone of voice. (IC 3-11-8-9) Any voters that have passed the challengers (if any), signed the poll list, are in the act of voting, or are in the chute at closing time shall be permitted to vote. The inspector will line up all waiting voters in the chute and the poll clerks will record their names. (IC 3-11-8-11)

The “chute” is defined as the area that extends 50 feet from the entrance to the room where voting is being conducted. Under special circumstances, the chute can be less than 50 feet (such as when this would extend the polls into a public street, for example). (See IC 3-5-2-10)

The following are permitted in the voting room on Election Day:

1. Members of the precinct election board (inspector and two judges)
2. Poll clerks and assistant poll clerks
3. Election sheriffs
4. Deputy election commissioners
5. Pollbook holders and challengers
6. Watchers
7. Voters for the purpose of voting
8. Minor children accompanying voters
9. Individual assisting a voter in the manner prescribed by state law (see IC 3-11-9)
10. Member of the County Election Board or Town Election Board, when acting on behalf of the Board.
11. Mechanic authorized to repair a voting system, if the mechanic has credentials signed by each member of the County Election Board or Town Election Board.
12. Either of the following who have been issued credentials signed by the county election board
 - a. The county chairman (unless the county chairman is on the ballot)
 - b. The county vice-chairman (unless the county vice-chairman is on the ballot)
13. The Secretary of State, as chief election officer of the state, unless that individual is a candidate for nomination or election to an office at the election. (IC 3-11-8-15)

Partisan watchers, pollbook holders and challengers must possess an identification card issued to them by their respective political party county chairman. The identification card should contain the person’s name, their status as a watcher, pollbook holder or challenger, the name of the party making the appointment, and the name of the county chairman of that party. (IC 3-6-7-1 and IC 3-6-8-3) The media may also appoint watchers under state law. (IC 3-6-10) The State Party Chairman may also appoint a watcher, and if this is the case, the watcher credential would be signed by the State Party Chairman.

Ballots

A town may use paper traditional hand-counted paper ballots, optical scan ballot cards, or electronic voting systems, or a combination of these methods of voting. State laws governing the design of ballots, and the casting and counting of ballots, differ depending upon the voting system used as follows: traditional hand-counted paper ballots (IC 3-11-11; 3-12-2), optical scan ballot cards (3-11-13; 3-12-3), and electronic voting systems (IC 3-11-14; IC 3-12-3.5) are set out in detail in the election code.

For example, traditional hand-counted paper ballots must be printed on the same size, quality, and color of paper, and be thick enough so that the printing cannot be read from the back of the ballot. (IC 3-11-2-3) Candidates are listed on the ballot under their party name and emblem. (IC 3-11-2-5) Candidates of the political party that received the most votes for secretary of state in the last election in the county are listed first; candidates of the party that received the second highest number of votes are listed next, and so on. Third party and independent candidates are listed in the order in which they filed their petition of nomination.

If a declared write-in candidate for an office has filed, then a column or row for write-in voting must be placed after the party and independent candidates for that office. If no declared write-in candidate has filed for an office, then the election board may print the paper ballots without including any space for a voter to cast a vote for a write-in candidate for that office. (IC 3-11-2-16)

At the extreme top of the ballot, the following statement must be printed: "It is a crime to falsify this ballot or to violate Indiana election laws." (IC 3-11-2-7) Voting instructions are printed at the top of the ballot below this statement. (IC 3-11-2-8) Instructions must include how to cast a straight party vote and how to cast a write-in vote, if a declared write-in candidate has filed. (IC 3-11-2-10) The names of candidates must be placed three-fourths of an inch apart from center to center of the name. A square, three-eighths of an inch on each side should be placed immediately to the left of each candidate's name. (IC 3-11-2-10) Party emblems must be enclosed in a circle that is at least three-fourths of an inch in diameter. (IC 3-11-2-9)

Unlike absentee ballots, traditional hand-counted paper ballots used on election day are not required to contain the seal and signature (or facsimile signature) of the town clerk-treasurer. However, ballots cast on Election Day must be initialed by the poll clerks in the precinct before the ballot is provided to the voter. (IC 3-11-11-4)

As indicated above, there also detailed state laws governing the design of ballots, and the casting and counting of ballots, for optical scan ballot cards and electronic voting systems. (IC 3-11-13-11; 3-11-14-3.5).

Provisional Voting and Fail-Safe Procedures

Provisional voting is a way for a voter to cast a ballot at the polls on Election Day when a voter's qualifications cannot be determined while they are at the polls. The precinct election board should first try to resolve a voter's eligibility issue by applying one of several "fail-safe" voting provisions. These are described in the *2015 Election Day Handbook*.

Provisional voting is also a way for a voter to cast a ballot at the polls on Election Day when the voter cannot meet the photo identification requirements of state law while the voter is at the polls. Detail on how the photo identification requirement is administered at the polls is described in the *2015 Election Day Handbook*.

However, if one of the fail-safe provisions does NOT apply, or the voter does not meet the photo identification requirement, the voter should be offered the opportunity to cast a provisional ballot so that the county election board can resolve the voter eligibility issue after the polls have closed.

Provisional ballots must resemble the ballots provided to other voters at the election; however, there are some differences. A provisional ballot will state that it is a provisional ballot and will have the circuit court clerk's seal and signature printed on the ballot, much the same as an absentee ballot. Provisional ballots must be prepared and delivered to the town election board by September 14, 2015.

There are special forms that must be completed and procedures that must be followed when a provisional ballot is cast. When a voter's ballot is challenged, and the voter casts a provisional ballot, the provisional ballot is segregated from other ballots at the polls and returned to the town election board for processing. The town election board must decide, no later than noon ten (10) days after Election Day, whether or not the voter's provisional ballot should be counted or rejected.

For further information about how the town election board should process provisional ballots consult the *2015 Election Administrator's Manual*.

Tabulating Election Results

State law specifies procedures for counting ballots at the polling place. For example, when counting ballots cast on traditional hand-counted paper ballots the inspector and judge from the opposite party view the ballots as they are read and counted. (IC 3-12-2-2) Either official may protest any ballot that is not properly endorsed, is mutilated or bears distinguishing marks. (IC 3-12-1-3; 3-12-2-3) **However, the voter's intent is the primary factor in determining the validity of a ballot. In general, if the voter's intent can be determined on the ballot or any part of the ballot, it should be counted.** (IC 3-12-1-1)

A ballot that:

1. has a mark in or touching the circle containing a political party device is counted as a straight party vote (IC 3-12-1-8);
2. has a mark in or touching the circle or square next to a candidate's name is counted as a vote for that candidate. However, if the mark does not touch the circle or square the vote should not be counted (IC 3-12-1-9);
3. has a voter's name, initials, a number, or any other symbol which would enable a person to determine who cast the ballot should not be counted (IC 3-12-1-10); or
4. contains a straight party vote and a vote for an individual candidates of **another party** in a race where only one candidate may be elected, the straight party vote **should not be counted** and only those votes cast for individual candidates should be counted. (IC 3-12-1-7)

State law regarding how to count votes in a situation where the voter indicates a straight party vote and individual votes for candidates of a party inconsistent with the straight party vote in multiple candidate at-large races was changed in 2007 and is complex. Contact the Indiana election division for further information. (IC 3-12-1-7(c), (d), and (e))

Disputed ballots must be endorsed by each of the poll clerks and the word(s) "counted" or "not counted" written on the back. (IC 3-12-2-4)

Likewise, as a general rule absentee ballots are counted in the polling place unless the town election board passes a unanimous resolution to count absentee ballots at a central location at least 60 days before the election. (IC 3-11.5-5-1) The inspector in the precinct must begin processing absentee

ballots during Election Day by examining each absentee ballot envelope to determine if the absentee ballot is valid. Valid absentee ballots are removed from the absentee ballot envelope and placed in a ballot box in a way so as not to disclose how a particular absentee voter voted. At some point during Election Day or when the polls are closed the absentee ballots are removed from the ballot box and counted by the precinct election board.

In contrast, absentee ballots cast on electronic voting systems must be counted at a central location. Instead of sending absentee ballots cast on electronic voting systems to the precinct, lists of absentee voters are provided to the precinct so that the names of these absentee voters may be entered into the pollbook. (IC 3-11-10-12.5)

Detailed procedures for processing absentee ballots are contained in the **2015 Election Day Handbook** or contact the Indiana election division for further information.

At the close of the count in the precinct, the inspector will seal all ballots, tally sheets, poll lists, and other election documents in a paper envelope or bag. (IC 3-12-2-8) The inspector and judge of the opposite political party will then deliver it to the town clerk-treasurer. (IC 3-12-2-9)

Finalizing Election Results; Provisional Ballots

Once the inspector and judge have delivered the bag or envelope to the town clerk-treasurer, the town election board is charged with examining and certifying the election results of the town. For towns with more than one precinct, the town election board is responsible for combining the precinct results and reporting the final vote count. The town election board must follow the same procedures of canvassing returns as the county election board.

The town election board must determine the validity of any provisional ballot and add the results of any provisional ballot that is counted to the relevant precinct.

Upon completion of the canvass, including the processing of any provisional ballots, the town election board must prepare a certificate designating:

1. the name of each candidate;
2. the name of each office;
3. the number of votes each candidate received;
4. the total number of votes cast; and
5. the candidate receiving the highest number of votes for each office to be the winner. (IC 3-10-7-34)

The town election board shall present the certificate to the town clerk-treasurer. Upon request, the town clerk treasurer will issue a certificate of election to each person elected. (IC 3-10-7-34)

However, a certificate of election may not be issued until **noon, November 20, 2015** when the period for filing a recount or contest has expired. (IC 3-5-2-2; 3-12-5-16) There is a separate certificate election for each town office as follows: CERTIFICATE OF ELECTION TO THE OFFICE OF TOWN CLERK-TREASURER (**STATE FORM CEB-32**) and CERTIFICATE OF ELECTION TO THE OFFICE OF TOWN COUNCIL MEMBER (**STATE FORM CEB-33**). If the town elects a town judge, the town judge will receive a commission (see discussion below).

Recounts and Contests

A candidate (or a county party chairman) may file a lawsuit to have the votes cast in a town election “re-counted,” or to have the election “contested,” with the court ordering a special election to be conducted. The state laws concerning recounts and contests are found at Indiana Code 3-12-6 and 3-12-8. The candidate or chairman is responsible for understanding and complying with these complex statutes and should consult with their own attorney to be properly advised. The town election board may wish to discuss the question of legal representation with the town attorney early in the election year to see if the town attorney will be available to act for the town election board in any litigation. Recounts and Contests are discussed in more detail in the *2015 Election Administrator’s Manual*.

Oath of Office and Bond

Before beginning service as member of the town council or a town clerk-treasurer, the successful candidate must swear an oath of office and file the oath with the circuit court clerk. (See back of **STATE FORM CEB-32 and CEB-33**) (IC 5-4-1) Any person qualified to administer an oath, such as a notary public, can swear in a town official. (See list on back of **STATE FORM CEB-32 and CEB-33**) The oath may be taken and filed at any time after the candidate receives the certificate of election. There is no requirement to wait until January 1, 2016 to swear and file the oath. The oath must be filed with the circuit court clerk no later than **Monday February 1, 2016**.

Successful candidates for town judge do not receive a certificate of election. Instead, they receive a commission signed by the governor. The Indiana election division will arrange with the governor’s office to obtain commissions for successful candidates for town judge. Therefore, either the circuit court clerk or town clerk-treasurer will need to provide information regarding successful candidates for town judge to the Indiana election division. Town judges must also take and file an oath of office. However, instead of filing the oath of office with the circuit court clerk all judges, including town judges, must file their oath of office with the Indiana election division.

A successful candidate should also consult the town clerk-treasurer or town attorney regarding the need to file an official bond (IC 5-4-2). Many towns have “blanket-bonds” which cover all town officials. However, an individual surety bond may be required. This varies from town to town and so the current town officials, or their town attorney, may be the best source of information about this question.

APPENDIX A: AGREEMENT TO PROVIDE ELECTION ADMINISTRATION SERVICES

(SAMPLE)

Note: An agreement is optional. If there is no agreement and the county election board conducts an election for a town in 2015, the costs for conducting the election will be calculated pursuant to state law, namely, IC 3-5-3)

WHEREAS, IC 3-6-5-14 vests with the County Election Board the power and responsibility to conduct all elections and administer election laws with the county except as provided in IC 3-8-5 and IC 3-10-7;

WHEREAS, IC 3-8-5 governs the nomination of candidates for town office in certain towns with a population of less than three thousand five hundred (3,500);

WHEREAS, IC 3-10-7-4 allows the town council in towns with a population less than three thousand five hundred (3,500) to enter into a written agreement with the County Election Board to determine the amount the town will reimburse the county for conducting an election in the town;

WHEREAS, the County Election Board will conduct the election in the Town of _____;

Now, therefore, it is agreed as follows:

The Town of _____ shall pay to the County of _____ for election and registration services for the (specify the primary or municipal or both elections) in the amount \$_____ dollars. This payment is intended to cover all election and registration services provided by the _____ County Election Board to the Town of _____. Payment shall be made to the _____ County Auditor on or before _____. This agreement covers only the election(s) specified above.

Dated this _____ day of _____ 20_____.

Town Council of the
Town of _____

_____ County Election Board

ATTEST: Town Clerk-Treasurer

INDIANA DEMOCRATIC PARTY TOWN CONVENTION RULES OF PROCEDURE

Indiana Code 3-8-5-12 requires town conventions to establish rules of procedure necessary for the convention to conduct its business. The Indiana Democratic Party recommends the use of the following Rules of Procedure for Democratic Town Conventions.

- RULE 1** The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:
- (1) The individual must be a registered voter of this town, according to the list of voters supplied by the county voter registration office.
 - (2) The individual must sign a statement, under penalties of perjury, stating the following:
 - (A) The individual is a member of the Democratic Party, and no other party.
 - (B) The individual either:
 - (i) voted the Democratic Party ballot at the 2014 primary election and supported a majority of the candidates nominated by the Democratic Party in the 2014 general election; Or
 - (ii) if the individual did not vote the Democratic Party ballot at the 2014 primary election, that the individual intends to vote for a majority of the Democratic Party's nominees at the 2015 municipal election.
- RULE 2** The town chair shall determine who is eligible to vote at this convention by comparing the list of registered voters with the signed statement signed by each individual who wishes to vote. The chair shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chair determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.
- RULE 3** If the town chair determines that one or more persons who have signed statements are not eligible, the chair shall announce the names of those persons to the convention, and shall ask if there is any objection to the chair's ruling. An objection is not required to be seconded. If any person objects to the chair's ruling, the chair shall put the following question to the voters whose eligibility is not in question: "Does John Smith meet the requirements to participate as a Democratic voter in this convention?" The voters shall indicate "YES" or "NO." The secretary of the convention shall count the numbers for both "YES" and "NO" and report the results to the convention. The chair shall repeat this process for each individual whose eligibility is in dispute.
- RULE 4** After the chair and convention determine who is eligible to vote, the convention shall proceed to the adoption of these rules. The chair must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chair shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a voice vote, without further debate.

- RULE 5** The convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of any such individual to the area where ballots are being processed or counted.
- RULE 6** Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chair of this appointment before nomination and balloting for candidates. The chair shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chair in conducting the business of the convention.
- RULE 7** The chair shall keep order at the convention, and may appoint one or more sergeants-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chair shall first call that individual to order, and warn the individual that future disruption will result in the individual's expulsion from the convention. If an individual continues or resumes the disruptive actions, the chair shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeants-at-arms or any available law enforcement officers to remove the person as a trespasser. The chair is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold this individual responsible for the trespass or the disruption of the convention.
- RULE 8** The third item of convention business shall be the certification of candidates. The chair shall read the names of the candidates who have filed for nomination to each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chair shall recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chair may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.
- RULE 9** In accordance with state law, the chair shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county before the deadline set by statute.
- RULE 10** After the end of the candidate presentations for this office, the chair shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.
- RULE 11** The chair shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted the ballot, a teller shall collect the ballot. When all members who wish to vote have returned their ballots to the tellers, the tellers shall count the ballots in an area in the convention room designated by the chair (or in another location, subject to the approval of all candidate watchers). Candidate watchers may observe this count, but may not handle ballots.

- RULE 12** The tellers shall provide the chair with a written report specifying the number of votes cast for each candidate. The chair shall then announce the results of the ballot. If a candidate has received a majority vote of those casting a vote for a candidate, the chair shall declare that the candidate has been nominated as the Democratic Party candidate for this office.
- RULE 13** If any ballot results in a tie vote between the candidates receiving the highest number of votes, the chair may cast the deciding vote, or may call for another ballot.
- RULE 14** If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of the votes cast for a candidate.
- RULE 15** If the convention is to nominate a Democratic Party candidate for more than one contested town office, the convention shall conduct the voting in the following order:
(1) Town Clerk-Treasurer.
(2) Town Council Members, with members elected at large followed by members elected from a district or ward.
(3) Town Judge.
- RULE 16** These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

ADOPTED, THIS THE _____ DAY OF AUGUST, 2015:

Printed Name

Town Chair

Democratic Party of the Town of _____

County, Indiana

ATTEST:

Printed Name

Town Secretary

Democratic Party of the Town of _____

County, Indiana

REPUBLICAN PARTY 2015 TOWN CONVENTION RULES OF PROCEDURE

These rules are adopted under Indiana Code 3-8-5-12 to establish procedures necessary for the town convention to conduct business.

Rule 1. The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:

(1) The individual must be a registered voter of this town no later than 29 days before the date of the town convention according to the list of voters supplied by the county voter registration office.

(2) The individual must sign a statement, under penalties of perjury, stating the following:

(a) The person is a member of the Republican Party and no other Party;

(b) The individual:

i. voted the Republican Party ballot at the 2014 primary election according to the records of the county registration office and supported a majority of the candidates nominated by the Republican Party in the 2014 general election OR;

ii. If the individual did not vote a Republican Party ballot in the 2014 primary election according to the records of the county voter registration office, that the individual intends to vote for a majority of the Republican Party's nominees in the 2015 municipal election. (REPUBLICAN PARTY FORM IRSC/CA-1)

Rule 2. The town chairman shall determine who is eligible to vote at the convention by comparing the list of registered voters with the signed statement by each individual who wishes to vote. The chairman shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chairman determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.

Rule 3. If the town chairman determines that one or more persons who have signed the statements are not eligible, the chairman shall announce the names of those persons to the convention, and ask if there is any objection to the chairman's ruling. An objection is not required to be seconded. If any person objects to the chairman's ruling, the chairman shall put the following question to the voters whose eligibility is not in question: "Does _____ meet the requirements to participate as a Republican voter in this convention?" The voters shall stand to indicate "YES" or

“NO”. The Secretary of the convention shall count the numbers standing for both “YES” and “NO” and report the results to the convention. The chairman shall repeat this process for each individual whose eligibility is in dispute.

Rule 4. After the chairman and convention make a determination under these rules as to who is eligible to vote, the convention shall proceed to the adoption of these rules. The chairman must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chairman shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a vote without further debate.

Rule 5. The convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of such individual to the area where ballots are being processed or counted.

Rule 6. Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chairman of this appointment before nomination and balloting for candidates. The chairman shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chairman in conducting the business of the convention.

Rule 7. The chairman shall keep order at the convention, and may appoint one or more sergeants-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chairman shall first call that individual to order, and warn the individual that future disruption will result in the individual’s expulsion from the convention. If an individual continues or resumes the disruptive actions, the chairman shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeant-at arms or any available law enforcement officers to remove the person as a trespasser. The chairman is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold the individual responsible for the trespass or the disruption of the convention.

Rule 8. The third item of convention business shall be the certification of candidates. The chairman shall read the names of the candidates who have filed for nomination for each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chairman shall

recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chairman may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.

Rule 9. In accordance with state law, the chairman shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county clerk before the deadline set by statute.

Rule 10. At the end of the candidate presentations for this office, the chairman shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.

Rule 11. If the convention is to nominate a Republican Party candidate for more than one contested office, the convention shall conduct the voting in the following order:

- (1) Town-Clerk Treasurer**
- (2) Town Judge**
- (3) Town Council Members**

Rule 12. The chairman shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted a ballot, the ballot must be placed in the ballot box provided by the chairman of the caucus. After all eligible voters have placed their ballots in the ballot box, the tellers shall count the ballots in an area in the convention room designated by the chairman (or in another location, subject to the approval of the candidate watchers). Candidate watchers may observe this count, but may not handle the ballots.

Rule 13. The tellers shall provide the chairman with a written report (tally sheet) specifying the number of votes cast for each candidate. The chairman shall announce the results of the ballot. If a candidate for Town-Clerk Treasurer or Town Judge has received a majority vote (more than 50%) of those casting a vote for a candidate, the chairman shall declare that the candidate has been nominated as the Republican Party candidate for this office. If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest number of votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of more than 50% of the votes cast for a candidate.

Rule 14. If any ballot results in a tie vote between the candidates receiving the highest number of votes, the chairman may cast the deciding vote, or may call for another ballot.

Rule 15. In the case of a contest between candidates for the Republican Party for a district or ward seat, where only one candidate may be elected to the seat, voting for the seat should proceed as described in Rule 13 until a candidate receives a majority of more than 50% of the votes cast for that district or ward. In the case of multiple candidates for town council for multiple districts or wards, the vote for each district or ward may be done on one ballot that separately lists the candidates for each district or ward or on separate ballots for each district or ward. For example, if a town has three (3) district council seats, one (1) ballot could be used for district one (1) and separate ballots could be used for districts two (2) and three (3).

Rule 16. If the town council has at-large seats where more than one person may be elected to the available at-large seats, one (1) ballot would list all the candidates for the at-large seats and the top vote getters for the number of seats up for election would be declared the winners. For example, if there are five (5) candidates for three (3) at-large seats up for election, the top three (3) vote getters will be declared the winners just as you would if you voted on a machine to select three (3) of five (5). In this case, all five (5) candidates would be listed on the ballot with the instruction "Vote for not more than 3 candidates."

Rule 17. These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

ADOPTED THIS _____ DAY OF AUGUST, 2015:

Printed Name of the Town Chairman:

Republican Party of the Town of _____

County, Indiana

ATTEST:

Printed Name of the Town Secretary:

Republican Party of the Town of _____

County, Indiana

APPENDIX C: ELECTION FORMS

CAN-12	Statement of Economic Interests for Local and School Board Office (State Form 55128; 11-12)
CAN-15	Call of Town Convention (State Form 46421; R8/6-11)
CAN-16	Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate When No Primary is Conducted in 2015 (State Form 46422; R16/7-14)
CAN-17	Circuit Court Clerk Certification of Town Candidates (State Form 46424; R12/11-10)
CAN-18	Town Convention Certificate of Nomination (State Form 46423; R12/11-10)
CAN-42	Declaration of Candidacy for Municipal Primary Nomination in 2015 (State Form 48870; R4/7-14)
CAN-44	Petition of Nomination for City or Town Office in 2015 (State Form 49024; R5/7-14)
CAN-45	Consent of Independent or Minor Political Party Candidate Nominated by Petition for a City or Town Office in 2015 (State Form 49027; R5/7-14)
CAN-46	Municipal Election Candidate Withdrawal in 2015 (State Form 49041; R6/7-14)
CAN-51	Declaration of Intent to be a Write-In Candidate for City or Town Office in 2015 (State Form 49043; R5/7-14)
CEB-34	Apportionment of Municipal Primary Costs (State Form 54704); R/7-14)
CEB-35	Apportionment of Municipal General Election Costs (State Form 51845); R/7-14)